

EXHIBIT P

JOSEPH EMANUEL - December 28, 2021

<p style="text-align: center;">1</p> <p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3</p> <p>4 FREDERICK (RIC) SCHIFF; GLENN) CASE NO. 5 BRAKEL; ALICE DICROCE; JOSEPH) 4:19-cv-0326-YGR 6 EMANUEL; BRIAN GREER; CLAYTON) 7 HARMSTON; STEVEN HASKELL;) 8 MICAH HOPE; DANIEL KELLY;) 9 ALEXANDER LENTZ; BRANDON) 10 MCKELLEY; GERALD NEWBECK;) 11 DAVID O'KEEFE; CHRISTOPHER) 12 RITTER; STEVEN UANG; and) 13 THOMAS WALSH,) 14 Plaintiffs,) 15 vs.) Volume I 16) 17 CITY AND COUNTY OF SAN) 18 FRANCISCO; GREG SUHR,) 19 individually; WILLIAM (BILL)) 20 SCOTT, individually; and DOES) 21 1-20,) 22 Defendants.) 23) Pages 1 - 111 24 25 DEPOSITION OF JOSEPH EMANUEL December 28, 2021 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER** Reported by: BENJAMIN GERALD, CA CSR 14203, WA CSR 3468, TX CSR 11912 ----- JAN BROWN & ASSOCIATES WORLDWIDE DEPOSITION & VIDEOGRAPHY SERVICES 701 Battery Street, 3rd Floor, San Francisco, CA 94111 (415) 981-3498 or (800) 522-7096</p>	<p style="text-align: center;">2</p> <p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF CALIFORNIA 3</p> <p>4 FREDERICK (RIC) SCHIFF; GLENN) CASE NO. 5 BRAKEL; ALICE DICROCE; JOSEPH) 4:19-cv-0326-YGR 6 EMANUEL; BRIAN GREER; CLAYTON) 7 HARMSTON; STEVEN HASKELL;) 8 MICAH HOPE; DANIEL KELLY;) 9 ALEXANDER LENTZ; BRANDON) 10 MCKELLEY; GERALD NEWBECK;) 11 DAVID O'KEEFE; CHRISTOPHER) 12 RITTER; STEVEN UANG; and) 13 THOMAS WALSH,) 14 Plaintiffs,) 15 vs.) Volume I 16) 17 CITY AND COUNTY OF SAN) 18 FRANCISCO; GREG SUHR,) 19 individually; WILLIAM (BILL)) 20 SCOTT, individually; and DOES) 21 1-20,) 22 Defendants.) 23) Pages 1 - 111 24 25 DEPOSITION OF JOSEPH EMANUEL, taken with all parties appearing via videoconference, on Tuesday, December 28, 2021 at 2:26 p.m., before Benjamin Gerald, Certified Shorthand Reporter, in and for the State of California.</p>
<p style="text-align: center;">3</p> <p>1 A P P E A R A N C E S 2 For the Plaintiffs: LAW OFFICE OF M. GREG MULLANAX 3 BY: M. GREG MULLANAX 4 ATTORNEY AT LAW 5 **Appearing via videoconference 6 2140 North Winery Avenue 7 Suite 101 8 Fresno, California 93703 9 (559) 420-1222 10 greg@lawmgm.com 11 12 For the Defendants: OFFICE OF THE CITY ATTORNEY 13 BY: PETER A. COWNAN 14 ATTORNEY AT LAW 15 **Appearing via videoconference 16 1390 Market Street 17 5th Floor 18 San Francisco, California 94102 19 (415) 554-3863 20 peter.cownan@sfcityatty.org 21 22 The Reporter: BENJAMIN GERALD, CSR 14203 23 **Appearing via videoconference 24 25 --o0o--</p>	<p style="text-align: center;">4</p> <p>1 I N D E X 2 3 Page 4 EXAMINATION BY MR. COWNAN 5 5 6 E X H I B I T S 7 No. Description Page 8 Exhibit 1 San Francisco Police 24 9 Department; Employee Multiple 10 Card Report - MDC and MCDO only 11 for Joseph Emanuel (1 page) 12 **Produced Electronically** 13 Exhibit 2 Plaintiff Joseph Emanuel's 60 14 Response to Defendants' 15 Interrogatories, Set One 16 (6 pages) 17 **Produced Electronically** 18 19 --o0o-- 20 21 22 23 24 25</p>

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1 to actually community engagement and building
2 relationships and rapport with the community as above
3 that. He put that above that, so I mean, I guess took
4 his ideals in the direction he wanted to go, maybe to
5 bridged the gap between the community and the police
6 department.

7 Q. Do you recall that being the case when he first
8 joined the police department, that he had community
9 policing as a priority, as opposed to sometime later in
10 his tenure?

11 A. I could see that. I could kind of see that was
12 the ideology that he had.

13 Q. And to be clear, I don't want to suggest an
14 answer for you. I just want to see if you have a
15 timeline for when he started talking about that.

16 A. I don't, no.

17 Q. Okay.

18 A. If you don't mind, would it be time to take a
19 quick -- unfortunately, this room is so cold --

20 MR. COWNAN: Let's go off the record.

21 (Off the record from 4:17 p.m. to 4:25 p.m.)

22 MR. COWNAN: Okay. Let's go back on the
23 record.

24 BY MR. COWNAN:

25 Q. Sir, a couple of quick follow-up questions, and

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1 then we'll move on to the next topic.

2 In terms of your race, you identify as white
3 male; is that correct?

4 A. I -- I did, yes.

5 Q. You used the past tense, "did."

6 Is that no longer the case, or you still do?

7 A. So initially, on the first test -- I'm sorry,
8 the first list, after the first round of promotions, I
9 was listed as white male, and then I got passed over
10 again the second time. There was a lot of talk around
11 Mission Station -- there was this continued talk about
12 that people were being passed over because of their
13 race.

14 So I made a phone call to personnel -- I forget
15 who I spoke to. I forgot her name, but she knew who I
16 was. And I said, "Just out of curiosity, can you do me
17 a favor and look up my race classification?" It was
18 sheer curiosity, and she said, "You're listed as white
19 male." She obviously knew me, because she said, "Why
20 did you do that?" And I said, "I have no say in the
21 matter; that's what they put me down as." And she said,
22 "That's cancerous."

23 And then I went home and did some research, and
24 I actually called personnel back, and I felt that, based
25 on my race, I should be reclassified, and I asked

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1 Dan Chu, who was working personnel when I called back,
2 and I said, "Can you please change my classification, my
3 race?" And he said, "How would you like to be listed?"
4 And I said, "I believe the appropriate race
5 classification is other male," and it was changed after
6 the second round, and shortly after, I was promoted to
7 sergeant.

8 Q. So today, do you still identify as a white
9 male?

10 A. Well, initially, I was classified as a white
11 male.

12 Q. Sorry. I don't mean officially, on records; I
13 mean, what do you believe you are?

14 A. I believe, based on the fact that I have no
15 home country of origin, that I need to classify
16 something, and I feel that nothing really fits my race,
17 so I go with other male.

18 Q. Do you believe that the fact that you
19 reclassified your race played a factor in you being
20 promoted?

21 A. Absolutely.

22 Q. And why -- what do you base that on?

23 A. Just a -- well, nothing has changed from when I
24 first applied to -- after the first and second round. I
25 really did nothing different. I was at the same

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1 station. If anything, I was doing less. I was no
2 longer on patrol; I was on the captain's staff, so
3 that's less opportunity to get an award, get a captain's
4 comp, working with the community. I mean, I was
5 strictly working for my captain. I don't recall taking
6 any additional training. The main thing that changed
7 was I was no longer listed as a white male, as I was on
8 the first and second rounds of promotions.

9 Q. Are you aware -- strike is that.

10 Do you believe that, during the promotion
11 process, someone referred to what your race and -- what
12 your race classification was?

13 A. I'm sorry. Say that one more time?

14 Q. Is it your testimony that your belief is that
15 during the promotion process, the third round, someone
16 went and looked at what you classified yourself as
17 racially?

18 A. I don't know what they did.

19 Q. Okay.

20 A. I just know that's the only change, one of the
21 major changes from the first and second round to the
22 third round.

23 Q. Well, unless someone looked at that change and
24 classification, there would be no other explanation for
25 what you're saying, correct?

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MR. COWNAN: Okay, sir. Sergeant, I am all done with your deposition today, so assuming that your counsel has no questions, I think you are done.

MR. MULLANAX: I have no questions.

THE REPORTER: Great. In that case, Mr. Mullanax, will you be ordering a copy of this transcript?

MR. MULLANAX: Yes, sir.

(The deposition concluded at 5:05 p.m.)

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DECLARATION OF DEPONENT

I, JOSEPH EMANUEL, declare under penalty of perjury that I have reviewed the foregoing transcript; that I have made any corrections, additions, or deletions in my testimony that I deemed necessary; and that the foregoing is a true and correct transcription of my testimony in this matter.

Dated this ____ day of _____, 20__,
at _____,
[City] [State]

JOSEPH EMANUEL

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CERTIFICATE

I, BENJAMIN GERALD, Certified Shorthand Reporter, Certificate No. 14203, for the State of California do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken shorthand at the time and place herein named;

That the deposition is a true record of the witness's testimony as reported to the best of my ability by me, and was thereafter transcribed to typewriting by computer under my direction;

That request [X] was [] was not made to read and correct said deposition.

I further certify that I am not interested in the outcome of said action, nor am I connected with, nor related to any of the parties in said action, nor to their respective counsel.

Witness my hand this 5th day of January, 2022.

BENJAMIN GERALD, CSR No. 14203
STATE OF CALIFORNIA

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